

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ROBERT JACKSON

Plaintiff,

VS.

SAFETY-KLEEN SYSTEMS, INC.

Defendant.

§
§
§
§
§
§
§
§
§

CASE NO. 4:11CV262

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

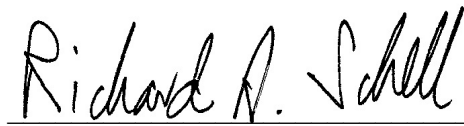
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 25, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion for Summary Judgment (Dkt. 20) be GRANTED as to Plaintiff's claims of racial discrimination and under Title VII, section 1981 and the Texas Labor Code and age discrimination under the ADEA and DENIED as to Plaintiff's claims of age discrimination under the TCHRA. The report further recommended dismissal of the remaining TCHRA claim without prejudice to refiling in state court.

The court has made a *de novo* review of the objections raised by Plaintiff and Defendant, as well as Defendant's response to Plaintiff's objections, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant's Motion for Summary Judgment (Dkt. 20) is GRANTED as to Plaintiff's claims of racial discrimination and under Title VII, section 1981 and the Texas Labor Code and age discrimination under the ADEA and DENIED as to Plaintiff's claims of age discrimination under the TCHRA. Plaintiff shall take nothing by his claims of racial discrimination and under Title VII, section 1981 and the Texas Labor Code and age discrimination under the ADEA and they shall be dismissed with prejudice. Plaintiff's claims of age discrimination under the TCHRA shall be dismissed without prejudice to refiling in state court.

IT IS SO ORDERED.

SIGNED this the 29th day of October, 2012.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The middle initial "A." is written in a smaller, more compact script. The last name "Schell" is written with a large, prominent "S" and a long, sweeping tail that extends to the right.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE